

Date of Meeting: October 16, 2007

**BOARD OF SUPERVISORS
ACTION ITEM**

**SUBJECT: Transportation/Land Use Committee Report/
CPAM 2005-0004, Eminent Domain and Protection of Existing Communities**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: December 10, 2007

11b

RECOMMENDATIONS:

Committee:

On September 24, 2007 the Transportation/Land Use Committee discussed the proposed amendments and voted unanimously to forward CPAM 2005-0004 to the September 16, 2007 Board of Supervisors meeting with a recommendation of approval, subject to the revisions discussed at the September 24 Committee meeting. The new policies are included as Attachments 1 (strike-through version) and 2 (changes incorporated).

Planning Commission:

On September 10, 2007 the Planning Commission voted 8-0-1 (Lewis – abstained) to certify and forward CPAM 2005-0004, Eminent Domain and Protection of Existing Communities, to the Board of Supervisors with a recommendation of approval.

Staff:

- Adopt the Committee-recommended language regarding eminent domain;
- Retain redevelopment policies as currently contained in the Plan as an option; and
- Retain the Community Plan process as the framework for determining whether, where, and how many Town Centers/Downtowns are developed, what they will include, and how they will function.

BACKGROUND:

The Board of Supervisors held a Public Hearing regarding the Plan Amendment on September 11, 2007. The Board voted 7-0-2 (York, Kurtz – absent) to forward the item to the September 24, 2007 Transportation/Land Use Committee for further discussion.

At the September 24, 2007 Transportation/Land Use Committee Meeting, the Committee modified the language regarding the circumstances that would warrant the use of eminent domain. Under the Committee-proposed language, the County would exercise the power of eminent domain only for the development of public facilities and would utilize the definition of public facilities as set forth in the State Code. The Committee also raised the question of where town centers would be appropriate. Previously the Planning Commission proposed that town centers be allowed west of Route 28 or in the area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road. The Committee reduced the area that could be considered for town centers to those areas west of

**CPAM 2005-0004, Eminent Domain and Protection of Existing Communities
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October 16, 2007**

Route 28 or south of Route 606. The Committee made no new changes to the proposed policies regarding redevelopment or Community Plans.

ISSUES:

Recognizing that redevelopment does not necessarily mean a higher density, staff believes that the elimination of the word "redevelopment" from the Plan may limit community choices, preclude various desired changes, and potentially limit the Community Plan process. With regard to the proposed revisions to the location and function of Town Centers, staff believes that the Community Plan process, as called for in the Revised General Plan, is the best framework for determining whether, where, and how many Town Centers/Downtowns are developed, what they will include, and how they will function.

FISCAL IMPACT:

No new local funding is required to draft the proposed policy change or to administer the proposed changes to the Revised General Plan.

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve CPAM 2005-0004, Eminent Domain and Protection of Existing Communities, as amended by the Transportation/Land Use Committee on September 24, 2007.

OR

2. I move that the Board of Supervisors approve CPAM 2005-0004, Eminent Domain and Protection of Existing Communities, as amended by the Transportation/Land Use Committee on September 24, 2007, subject to the revisions agreed upon at the October 16, 2007 Board of Supervisors Business Meeting.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. CPAM 2005-0004, Eminent Domain and Protection of Existing Communities, strike-through version, dated 09/24/07
2. CPAM 2005-0004, Eminent Domain and Protection of Existing Communities, changes incorporated, dated 09/24/2007

STAFF CONTACT: Joe Gorney, Project Manager

**PROPOSED POLICY LANGUAGE FOR CPAM 2005-0004:
Eminent Domain and Protection of Existing Communities
Changes to Chapters 2, 4, 6, 11, & Glossary of the Revised General Plan
Policies revised through September 24, 2007**

Amend ‘General Plan Strategy’ text pertaining to the Suburban Policy Area (Revised General Plan, Chapter 2, p. 2-6):

Over the next twenty years, it is anticipated that the Suburban Policy Area will continue to build out in a suburban pattern as a low-density fringe to the Washington, D.C. Metropolitan Region. The area will be characterized by a pattern of residential neighborhoods, town centers, and mixed-use business centers linked by a substantial network of roads, linear parks, and open spaces. As existing neighborhoods mature, revitalization plans will be developed to protect and ensure the continuing vitality of these established communities.

As express bus (expected in 2004) and eventually bus rapid transit (expected in 2010) and rail become available, higher-density land uses along major thoroughfares will become appropriate. Transit nodes and urban centers including a mix of uses and transportation modes will develop. Very compact in form, they will be designed for full pedestrian access and served by mass transit. The first nodes will appear along the Dulles Greenway corridor, where right-of-way exists for a rail transit corridor, and in in-fill areas within existing developments.

Add new Policy 16 under ‘Economic Development Policies’ (Revised General Plan, Chapter 4, p. 4-10):

16. Loudoun County will exercise the power of eminent domain only for the development of public facilities, as defined in the ~~described by~~ State Code.

Amend ‘Land Use Pattern and Design’ text (Revised General Plan, Chapter 6, p. 6-2):

The County’s vision for the Suburban Policy Area is that the four large communities increase in quality and become more distinct places. Policies below address ways to improve livability through (1) protecting and enhancing elements of the Green Infrastructure, including open space; (2) ensuring compatible and complementary infill development; and (3) revitalizing existing neighborhoods in a way that protects and enhances our existing communities.

Amend Policy 13 under ‘Land Use Pattern and Design Policies’ (Revised General Plan, Chapter 6, p. 6-7):

13. There will be one (1) Transit-Oriented Development (TOD), one (1) Transit-Related Employment Center (TREC), and one (1) Urban Center in the Suburban Policy Area. Town Centers may be considered for development west of Route 28 or south of Route 606 ~~in the~~

~~area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road~~ in the Suburban Policy Area.

Amend 'A. Four Distinct Communities' text, bullet 2 (Revised General Plan, Chapter 6, p. 6-8):

- All communities should seek to provide a full range of housing types, and provide for a diverse, stimulating social, cultural, recreational, and spiritual environment. Communities west of Route 28 or south of Route 606 ~~in the area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road~~ may have a recognized Town Center.

Delete 'E. Transportation' text, (Revised General Plan, Chapter 6, p. 6-12):

With the advent of transit, it is important that the County plan land uses accordingly. In addition, mixed-use communities should provide pedestrian-scale environments that promote walking and bicycling, which reduces automobile trips.

Delete 'F. Infill, Revitalization, and Redevelopment' text (Revised General Plan, Chapter 6, p. 6-15):

Amend Policy 2 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6, p. 6-15):

2. Redevelopment of existing uses will be based on the availability of adequate public facilities, transportation facilities, and infrastructure. The County desires the assemblage of small, adjacent under-utilized sites to achieve a consistent and compatible development pattern. Established residential communities will be protected and enhanced through revitalization plans.

Amend Policy 7 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6, p. 6-15):

7. Higher density development as defined in the Revised General Plan will occur as redevelopment in the Suburban Policy Area in the Transit-Oriented Development, Urban Center, and in the Town Centers, or "community cores," of the communities west of Route 28 or south of Route 606 ~~in the area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road~~. These areas will have the highest densities in the Suburban Policy Area. Town Centers should be identified through a community planning process.

**Amend Policy 12 under ‘Infill, Redevelopment, and Revitalization Development Policies’
(Revised General Plan, Chapter 6, p. 6-16):**

12. The County will provide incentives and resources for the revitalization of established neighborhoods to preserve the quality of life in these areas through the provision of community amenities, such as, but not limited to, pedestrian/bicycle facilities, traffic calming, street lighting, sidewalks, and improved retail and commercial establishments.

**Add new Policy 14 under ‘Infill, Redevelopment, and Revitalization Development Policies’
(Revised General Plan, Chapter 6, p. 6-16):**

14. Loudoun County will exercise the power of eminent domain only for the development of public facilities, as defined in the ~~described by~~ State Code.

Amend ‘3. Town Centers’ text (Revised General Plan, Chapter 6, p. 6-19):

The Plan anticipates that communities west of Route 28 or south of Route 606 ~~in the area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road~~ may have one or more Town Centers that serve as the “downtown” or community core of the communities. Town Centers must be compact and designed to accommodate pedestrian and vehicular traffic with a full complement of services and amenities.

Amend Policy 1 under ‘Town Center Policies’ (Revised General Plan, Chapter 6, p. 6-19):

1. A Town Center functions as the “downtown” of the local community with a mix of residential and business uses in a compact setting. The communities west of Route 28 or south of Route 606 ~~in the area bounded by Route 28, Sterling Boulevard, the W&OD Trail, the Fairfax County/Town of Herndon line, and the Dulles Toll Road~~ may have Town Centers. The locations of Town Centers should be determined through a community planning process or established during the consideration of a land development proposal that includes a community outreach and input process.

Amend ‘B. Suburban Community Design Guidelines’ text (Revised General Plan, Chapter 11, p. 11-5):

This Plan strongly endorses the development of distinctive communities. This may include town centers and other mixed-use developments surrounded by residential neighborhoods and areas of natural open space to promote a sense of community, foster a pedestrian-friendly environment, and lessen reliance on the automobile.

Amend '3. Town Centers' text (Revised General Plan, Chapter 11, p. 11-10):

a. Function

A Town Center should have a lively, robust character integrating employment, commercial, residential and public uses.

Amend the definition of Town Center (Revised General Plan, Glossary, p. G-11):

Town Center: A mixed-use, concentrated community core, which integrates employment, commercial, residential, and public uses. A town center will emphasize pedestrian movement over vehicular movement to create a pedestrian-friendly environment and will offer a full complement of services and amenities.

Definitions to be added to Glossary (Revised General Plan, Glossary, p. G-11):

Redevelopment: A change in land use which would involve the removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed. Redevelopment should be compatible with adjacent properties and occur with input and involvement from the community.

Revitalization: Re-establishing the economic and social vitality of an existing neighborhood or area through legislation, tax incentives, and other programs that maintain and enhance the existing development pattern and preserve the original building stock and historic character.

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